



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,703	01/26/2000	Alex Dai-Shun Poon	2043.007US1	8953
49845 7590 12/26/2008 SCHWEGMAN, LUNDBERG & WOESSNER/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER BADIL, BEHRANG				
ART UNIT 3694		PAPER NUMBER		
NOTIFICATION DATE 12/26/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWIP.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/491,703
Filing Date: January 26, 2000
Appellant(s): POON, ALEX DAI-SHUN

Ali Mireshghi
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/29/08 appealing from the Office action mailed 3/26/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct. The present application includes pending claims 9, 11-16, 25, 27-32, 41, 43-48, 58-59, 62-63, 66-67, 71, 73 and 75.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

1. Greef et al., USP 6,397,221.
2. Linden et al., USPAP 2005/0071251.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claims 9, 11-16, 25, 27-32, 41, 43-48, 58-59, 62-63, 66-67, 71, 73, and 75 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 11-15, 25 and 41, 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,397,221) Greef et al, hereafter Greef.

Claims 9, 25, and 41. Greef discloses, Providing a plurality of category entries to be displayed for said user in a category field within a display window, said plurality of category entries being used to categorize an item in said computerized transaction (col.7, line 35) (**Greef discloses “As also noted, Web site sales facilities (e-commerce) are commonly built upon computer-based catalogs, which are themselves built upon product databases containing records concerning the**

items being offered, the term "product" embracing goods and or services.

Accordingly, before any **transaction** of commercial interest can occur, Web **shoppers** must first search through such product databases in the hope of finding something of interest. Regrettably, however, at many Web sites, **shoppers** have to plow through stacks of menus and product information listings to find, if at all, things they might be looking for." (col.7, 31-37). (col. 15, lines 34-52); detecting selection by said user of a category entry of said plurality of category entries (col. 15, lines 53-65); responding to said detection of said selection of said category entry, providing a plurality of subcategory entries being hierarchically related to said selected category entry within a category hierarchy data structure, to be displayed for said user in at least one subcategory entry field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said transaction (Greef discloses "As an alternative to relational databases, however, it has been found that even **shoppers** having different product familiarity and backgrounds are commonly able to easily and quickly extract desired product information from database that are **hierarchically** arranged and presented. As an illustration, where a **shopper** is looking for specialty apples; for example, from a gourmet site, he can more readily make progress with his **selection** if he looks first at foods, then fruits, and then apples as he progress to his **selection**. At the least, the approach of moving from generally understood category to subcategory and sub-subcategory avoids the risk of causing the uninitiated **shopper** to mistakenly compare apples and

oranges when trying to make his purchase **selection**. (Greef: col.2, 61-67 and col.3, 1-6)). Here, there is "responding to said detection of said selection of said category" by having the selected product extracted from the selectable list of products. Furthermore, there clearly is "at least one subcategory field within said display window" and "plurality of subcategory entries being used to categorize said item in said transaction") Greef (col.2, 61-67 and col.3, 1-6) (col. 7, lines 31-44, col. 29, line 40-col. 30, line 60 and col. 31, lines 18-59); providing a category number (model number) associated with said selected category entry to be displayed for said user in said display window (presentation format). (Greef clearly discloses category number (model number) to be displayed for user in display window (presentation formats). Greef discloses "In preferred form, the record identifier could be selected to be, for example, the tabular attribute **model number, the model number** for the product being an identifier likely to receive recognition across **presentation formats**." (col.18, lines 42-46)), (col.27, 44-59, col.2, 61-67, col.3, 1-6), (col.29, 50-67; col.30, 1-14 and 25-42; col.31, 18-50). However, Greef might not expressly disclose a transaction, since this is an e-commerce shopping system and method, a transaction is obviously present. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a transaction take place in view of Greef's teachings of an e-commerce shopping method and system and to modify in Greef because such a modification would allow Greef to have items to select from, prior to making a transaction.

Claims 11, 27, and 43, Greef failed to disclose, wherein said category field comprises twelve category entries in alphabetical order. However, this claim limitation is considered non-functional descriptive claim language. The selection for a number for the category field would have been performed in the same manner regardless of whether the entries were twelve or some other number and arranged in alphabetical order. The fact there are twelve entries in alphabetical order is a design choice and has no bearing on the function and outcome of claims 9.

Claims 12, 28, and 44. Greef discloses, further comprising subsequently detecting input of said category number from said user and, responsive to said detection of said input, providing said associated category entry to be displayed for said user in said category field (col. 28, line 54-co1.29, line 23).

Claims 13, 29, and 45. Greef discloses, wherein said at least one subcategory field further comprises a first subcategory field containing a plurality of first subcategory entries being hierarchically related to said category entry of said plurality of category entries selected by said user; a second subcategory field containing a plurality of second subcategory entries being hierarchically related to a selected first subcategory entry of said plurality of first subcategory entries; and a third subcategory field containing a plurality of third subcategory entries being hierarchically related to a selected second subcategory entry of said plurality of second subcategory entries (col. 14, line 50-co1.15, line 2).

Claims 14, 30, and 46. Greef discloses, wherein said category field and said at least one subcategory field are contained in graphically distinct areas within said display window (col. 10, line 31-col. 11, line 46).

Claims 15, 31, and 47. Greef discloses, wherein said at least one subcategory field is substantially adjacent to said category field (Figure 5).

Claims 16, 32, 48, 58, 59, 62, 63, 66, 67, 71, 73, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,397,221) Greef et al, hereafter Greef in view of Linden et al (US 2005/0071251A1).

Claims 16, 32, and 48. Greef failed to disclose wherein said category field and said at least one subcategory field are page mark-up language documents. HTML is old and well known in the art of the internet and reference can be had to page 3, col. 1[0035] to Linden et al (US 2005/0071251A1).

Claims 58, 62, and 66, Greef discloses, further comprising: detecting selection by said user of at least one subcategory entry of said plurality of subcategory entries (col. 15, line 34-co1.16, line 9).

Claims 59, 63 and 67, Greef discloses, further comprising: responsive to said detection of said selection of said at least one subcategory entry, providing a category number associated with said selected category entry and said at least one selected subcategory entry to be displayed for said user in said display window (col. 17, lines 8-65, col. 27, line 44-co1.28, line 19). Attribute value is considered a number and child is considered a subcategory of the parent as a category.

Claims 71, 73, and 75. Greef discloses, wherein said plurality of category entries are maintained in said category field within said display window and said plurality of subcategory entries are displayed in said at least one subcategory field within said display window, concurrently with said plurality of category entries (col. 8, lines 26-53 and col. 29, line 39-col. 30, line 59).

(10) Response to Argument

Applicant's main argument is that Greef does not disclose "responding to said detection of said selection of said category entry, displayed for said user in at least one subcategory field within said display window and said plurality of subcategory entries being used to categorize said item in said transaction". **This is disclosed by Greef (col.2, 61-67 and col.3, 1-6). Greef discloses "As an alternative to relational databases, however, it has been found that even shoppers having different product familiarity and backgrounds are commonly able to easily and quickly extract desired product information from database that are hierarchically arranged and presented. As an illustration, where a shopper is looking for specialty apples; for example, from a gourmet site, he can more readily make progress with his selection if he looks first at foods, then fruits, and then apples as he progress to his selection. At the least, the approach of moving from generally understood category to subcategory and sub-subcategory avoids the risk of causing the uninitiated shopper to mistakenly compare apples and oranges when trying to make his purchase selection. ". Here, there is "responding to said detection of said selection of said category" by having the**

selected product extracted from the selectable list of products. Furthermore, there clearly is "at least one subcategory field within said display window" and "plurality of subcategory entries being used to categorize said item in said transaction".

As to the applicant's argument that Greef does not explicitly or implicitly disclose a transaction, **Greef is replete with examples which include shoppers shopping online or e-commerce as per the example above (Greef, col.2, 61-67 and col.3, 1-6). Further more, Greef discloses transaction in a e-commerce or "web site sales facilities) setting in col. 7, line 35. "As also noted, Web site sales facilities are commonly built upon computer-based catalogs, which are themselves built upon product databases containing records concerning the items being offered, the term "product" embracing goods and or services. Accordingly, before any transaction of commercial interest can occur, Web shoppers must first search through such product databases in the hope of finding something of interest. Regrettably, however, at many Web sites, shoppers have to plow through stacks of menus and product information listings to find, if at all, things they might be looking for."**

As to the applicant's argument that "category number (model number) to be displayed for user in display window (presentation format)" is not disclosed by Greef, the examiner respectfully disagrees. **Greef clearly discloses category number (model number) to be displayed for user in display window (presentation formats). Greef discloses "In preferred form, the record identifier could be**

selected to be, for example, the tabular attribute **model number, the model number** for the product being an identifier likely to receive recognition across **presentation formats.**" (col.18, lines 42-46).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Behrang Badii/

Conferees:

/Mary Cheung/
Primary Examiner, Art Unit 3694

/JAK/ for:
James Trammell
SPE, Art Unit 3694